

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NADINE HEMMINGHAUS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:11CV736 CDP
	)	
STATE OF MISSOURI, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

After I granted defendants' motion for summary judgment, plaintiff Nadine Hemminghaus filed a Notice of Appeal. On April 10, 2013, costs of \$8,527.20 were taxed against plaintiff. She has now moved for a stay of the judgment taxing costs against her while her appeal is pending. Though she acknowledges that such a stay of judgment is typically granted upon posting of a supersedeas bond, she seeks to pay \$8,527.20 into the registry of the court rather than posting a bond. In the alternative, she seeks an order allowing her to post a bond.

Under Rule 62(d) of the Federal Rules of Civil Procedure, an appellant may obtain a stay by supersedeas bond once she has filed a notice of appeal. The rule has been interpreted to permit an appeal "as a matter of right" to an appellant who posts an adequate bond. *United States v. Mansion House Ctr. Redevelopment Co.*, 682 F. Supp. 446, 449 (E.D. Mo. 1988). Generally, a supersedeas bond is set in the full amount of the judgment plus interest, costs, and damages for delay. *New Access Commc'ns LLC v. Qwest Corp.*, 378 F. Supp. 2d 1135, 1138 (D. Minn.


2005). The district court, however, retains discretion to require only a partial bond or to waive the bond entirely, while still implementing a stay of the judgment pending appeal. *Id.* The purpose of a supersedeas bond is to serve “as a guarantee by the appellant that he will satisfy the judgment plus interest and costs if it is affirmed on appeal.” *Id.* at 449 n.5.

I find that, in this case, plaintiff’s payment of \$8,527.20 into the registry of the court will serve the same purpose as posting a supersedeas bond. Though this amount does not include potential damages from the delay caused by the appeal, I am satisfied that it is a sufficient amount to protect the parties’ interests.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for stay pending appeal and to deposit funds into registry of court [#101] is **GRANTED**. Plaintiff shall deposit \$8,527.20 into the registry of the court and shall comply with Local Rule 67–13.04 in making that deposit.

**IT IS FURTHER ORDERED** that enforcement of the judgment taxing costs against plaintiff is **STAYED** pending the outcome of plaintiff’s appeal.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 29<sup>th</sup> day of April, 2013.